

VIRGINIA COMMISSION ON YOUTH

Study of Truancy and School Dropout Prevention Advisory Group Meeting

House Room 1, The Capitol
June 15, 2009
10:00 a.m.

MINUTES

Attending:

Senator Yvonne Miller, Delegate Robert Brink, Suzanne Devlin, Jean Bankos, Anthony Sylvester, Cynthia Cave, Katherine Farmer, Sarah Geddes, Bet Neale, Lelia Hopper, Otissa Williams, Nancy Halstead

Attending Electronically:

Delegate William Fralin, Senator Charles Colgan

Monitored:

Marie Sobers

Absent:

Judge Joseph Bounds, Mark Emblidge, Melissa Nehrbass, Tom Shortt, Suzanne Whitehead, Michele Dowdy, Jan McKee, Robert Ransome, William Bosher, Ingrid Grant, Tracey Jenkins, Robley Jones, Asia Jones, Patrick Lacy, Anthony Roper, Robert Tally

Staff Attending:

Amy M. Atkinson and Leah Hamaker

I. Welcome and Introductions

Amy M. Atkinson, Executive Director

Ms. Atkinson welcomed the members of the Advisory Group to the meeting. Ms. Atkinson informed the Advisory Group that the meeting agenda reflected issues staff was asked to investigate during the course of the study.

II. Truancy and the Role of the Judiciary

Lelia B. Hopper, Director, Court Improvement Program, Office of the Executive Secretary, Supreme Court of Virginia

Ms. Hopper gave an overview of recent training activities that have taken place in the judicial branch, particularly related to school attendance issues. She stated that she could not represent the views of the judges but was going to discuss the activities in which the Office of the Executive Secretary had participated.

Ms. Hopper stated that school attendance was a huge issue today. It is the job of a child to go to school. Attendance issues come before the court when a child is in need of supervision (CHINSup) petition was filed. CHINSup petitions address issues of truancy, custody and delinquency. Judges also see cases dealing with neglect, custody, transient youth and domestic violence. The judiciary understands that success in school is critical to success in life. However, frequently the youth are the ones giving up on school. The judiciary is working very hard to address this issue.

The Council for Juvenile Court Judges' School and Education Committee meets several times throughout the year to share efforts to improve court relationships and schools. In the fall, representatives from this Committee will partner with the Virginia Association of School Superintendents to serve on a panel discussing how to strengthen relationships between the judiciary and schools. Another valuable partnership is the Superintendents - Judges Liaison Committee. The Department of Education and the Supreme Court's Office of the Executive Secretary meet twice annually. This is a very valuable forum.

Judges work closely with schools, communities and community services boards. The Supreme Court is also working closely with the System Transformation efforts taking place in the Commonwealth. An area of focus for this effort is the education of youth who are out-of-home. In July, the National Council of Juvenile Court Judges held their conference in Norfolk. Several Virginians presented at the Conference, including Andrew Block of JustChildren and Judge Somerville of Culpeper/Orange Juvenile and Domestic Relations Court. Ms. Hopper stated that currently the Office of the Executive Secretary is planning pre-bench training. Technical assistance will be provided to judges on the educational needs of children in foster care.

The Advisory Group asked about the status of the reauthorization of the federal Juvenile Justice Delinquency and Prevention (JJDP) Act and whether the Supreme Court was tracking this legislation. Ms. Hopper stated that this legislation was being tracked because it may impact the ability of judges to impose detention for status offenses if there is a violation of a valid court order. Ms. Hopper stated that there was already healthy debate on this issue and there was good literature supporting the use of alternatives rather than detention for these cases. She also stated that juveniles could actually be adversely impacted if detention was imposed because there was the potential for them to be exposed to other undesirable activities or behaviors while they were in detention. A more holistic approach was more beneficial in these circumstances. In CHINSup cases, there was the mandatory appointment of legal council. This was because a child's liberty was being inhibited. However, judges could also appoint guardians ad litem for the juvenile and this was a very useful approach.

The Advisory Group asked about judges' role and whether they discourage the use of CHINSup. Ms. Hopper stated that the judges could only act or react through the petition. Judges rely on schools to follow the law. However, judges may receive petitions too late, e.g., a student has already had 30 to 40 absences or the petition was filed in April or May. Judges would like to see truancy addressed at the elementary or middle school level. This does not always happen. Judges may find out about truancy in this age range only when an abuse/neglect case is brought before them or the child is entering the foster care system. School boards make the decisions when to file a petition. Judges feel that court should be the last resort; however, this is not always happening.

The members discussed instances when the parents had to take the lead to get the school to pursue CHINSup cases. The court can order school or programs through social services but only when a petition is actually filed.

III. Communities in Schools of Richmond

Harold Fitler, Executive Director

Dr. Fitler discussed the Communities in Schools of Richmond (CIS). CIS of Richmond is one of over 200 non-profit affiliates of Communities In Schools, Inc., the

largest stay-in-school network in the United States.

CIS is devoted to helping students remain in and become connected to school. Dr. Fitrer informed the Advisory Group that, at the end of every school day, 7,000 more students across the nation have dropped out. Almost one-third of all students fail to graduate high school with their class; among ethnic minorities, the dropout rate is almost 50 percent. Dropouts are more likely than their peers to be unemployed, live in poverty, have poor health, depend upon social services, and go to prison. Dropouts earn \$9,200 less per year than high school graduates and about \$1 million less over a lifetime than college graduates. Moreover, one measure puts the cost to society for each dropout who later moves into a life of crime or substance abuse at somewhere between \$1.7 to \$2.3 million.

Rather than duplicating services or competing with other youth-serving organizations or agencies, CIS identifies and mobilizes existing community resources and fosters cooperative partnerships to deliver the Five Basics for the benefit of students and families. These Five Basics are to help students gain:

- Safe place to learn and grow
- One-on-one relationship with a caring adult
- Healthy start and a healthy future
- Marketable skill to use upon graduation
- Chance to give back to peers and community

Today, CIS is the national leader on school-based, integrated student support services. CIS identifies the most critical needs of students and families. CIS then locates and coordinates community resources, dedicated volunteers and agencies to serve in partnership with the public schools, both during the day and after school, making the work of educators much more effective. CIS ensures that the work of these outside agencies and volunteers is interconnected and integrated to provide the support schools need the most.

CIS of Richmond serves 26 Richmond Public Schools and over 14,000 students from:

Elementary Schools

- Blackwell Elementary
- Broad Rock Elementary
- Fairfield Elementary
- Greene Elementary
- Miles Jones Elementary
- Oak Grove Elementary
- Reid Elementary
- Summer Hill Elementary
- Swansboro Elementary
- Westover Hills Elementary
- Woodville Elementary

Middle Schools

- Albert Hill Middle
- Boushall Middle
- Chandler Middle
- Elkhardt Middle
- Henderson Middle
- Martin Luther King Middle

- Thompson Middle

High Schools and Alternative Schools

- Armstrong High
- Huguenot High
- Thomas Jefferson High
- John Marshall High
- George Wythe High
- Adult Career Development Center
- Performance Learning Center
- Performance Learning Center II

Services are delivered to students through Student Assistance Teams (SATs) which are unique to each school. Each SAT consists of a CIS staff person, key school staff, social workers, counselors, personnel from public and nonprofit partner agencies. Resources are inside the school, where families no longer have to negotiate a maze of public and private agencies to meet their needs. Each team member is responsible for the functioning of the team and the structure of the team process. All decisions are made by team consensus, not directive.

A question was raised about the per pupil cost. Richmond spends \$1.3 million per year, with \$340,000 appropriated by the school system and the remaining being private dollars. The cost is \$81 per student. The operation costs are less than 5 percent. The private partners include Altria, Capital One, Genworth Financial and Communities in Faith. Many businesses volunteer to mentor the students. The students do not typically work and attend school unless they are already attending the Performance Learning Centers. Henrico, Chesterfield, Hampton and Portsmouth also have partnerships established with CIS. There is a grassroots effort to bring CIS to all school divisions.

The question was raised about the Department of Education and their involvement with CIS. Other states have CIS in their school systems. In Georgia and in North Carolina, the states help to fund CIS. In Houston, Texas, 100 schools are involved and the state funds 100 percent. CIS is participating in 27 states. It is a value-added program, meaning that CIS supplements the efforts of the school system. Schools can deal with instruction and CIS helps with the remaining issues a student may have. The Virginia Mentoring Partnership trains the CIS mentor volunteers, as well as providing the curriculum.

Questions were raised about the role that the court plays with CIS. Dr. Fitrer responded that probation officers actually participate in SAT meetings and help staff the clinic at George Wythe High School. Another issue raised was the issue of middle school programming in dropout prevention. Dr. Fitrer stated that the pinnacle where students disengage is 6th grade. The “per pupil” figure for students at the performance learning centers was also \$81 per pupil and \$95 to \$100 including teacher salary. Senator Miller noted that this proves the point that students relate better when there is an engaged person present. Programs must be tailored to meet the needs of the youth. There is no magic bullet; adults must be links to children and programs must be brought to the youth.

Delegate Fralin asked that the development of the Individualized Academic and Career Plans be included as an agenda item at the next meeting.

IV. Discussion on Proposed Legislative Proposals/Policies *Advisory Group Discussion*

Ms. Atkinson referred members to the Virginia Code Sections contained in the packets. Section 22.1-254 addressing compulsory attendance and alternative education was discussed, as was § 22.1-253.13:4 regarding the demonstration of mastery without completing the 140-hour class. The regulation defining a standard unit of credit and a verified unit of credit (8 VAC 20-131-110) was also shared with the Advisory Group.

Discussion ensued about 140-hour rule outlined in the regulation and whether it was a barrier to graduation. Delegate Fralin and Commission staff have received comments that this rule was a barrier. In addition, some school divisions were unaware that students may be tested to see if they demonstrated mastery of a course and waive the clock hour requirement. A question was raised about allowing the students to demonstrate competency prior to the imposition of seat hours. Online instruction was one method suggested to address this requirement.

Ms. Wescott of the Department of Education noted that the language allowing qualified students, with the recommendation of the superintendent, the option to waive the 140-clock hour rule to obtain credit with demonstration of mastery (§ 22.1-253.13:4) was established from legislation in 2000 patroned by Delegate Frank Hargrove. As Delegate Hargrove explained the bill in committee, he wanted to provide opportunities for gifted students to earn standard and verified credits through nontraditional means. This could be accomplished by these students taking distance learning classes and completing the coursework in fewer than 140 hours, or students participating in summer programs offered by colleges and universities.

When the Board of Education revised the Standards of Accreditation, this provision was included in 8 VAC 20-131-110. The language states that, if a school division elects to award credit on a basis other than the 140 clock hours of instruction required for a standard unit of credit, the local school division shall develop a written policy approved by the superintendent and school board. Upon the recommendation of the division superintendent and demonstration of mastery of course content and objectives, qualified students may receive a standard unit of credit and be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock hour requirement.

Following the adoption of the Standards of Accreditation (SOA), in September 2000, the Board adopted a guidance document to provide additional guidance to school divisions. The guidance document stated that the division superintendent will identify how students demonstrate mastery of course content and objectives. The Board wrote the regulation and the guidance document in such a way as to be as flexible as possible, in order to give students every opportunity to earn standard and verified credits. Since that time, the Board of Education has revised the Standards of Accreditation twice: beginning in 2005, with an effective date of September 2006, and again beginning in 2007, with an effective date of July 22, 2009. Following the adoption of the 2009 Standards of Accreditation, the Department will review the Board's existing guidance document. Ms. Wescott suggested that anyone on the Advisory Group with a question or comment should contact the Department. Questions could also be sent via email to the SOA Comment mailbox. The Department could make any changes that might be necessary in the guidance

document that will go to the Board of Education in the fall.

Many members of the Advisory Group commented that legislation addressing the 140-hour clock rule and the demonstration of course mastery was probably not necessary if such guidance was shared with the school divisions. Many school representatives present noted that they had no knowledge that this provision was even available and that they would gladly share this with their school divisions. The members of the Advisory Group discussed the possibility that the recommendation on this finding be that the Department of Education offer additional guidance to school divisions about this flexibility. Delegate Fralin stated that it may be appropriate for the Department to issue a Superintendent's Memorandum detailing this provision. He suggested that he write a letter to the Department about issuing additional guidance about this provision. A question was raised about how this provision was impacted by suspension or expulsion. Ms. Wescott noted that the school board must have a policy in place and policies would vary by locality.

The next issue discussed was compulsory attendance for students who are long-term suspended or expelled. Currently, these students who are referred to alternative education are not required to attend. Therefore, compulsory education requirements are not applicable to these students. Ms. Atkinson asked the Advisory Group whether compulsory attendance should apply in these instances. Ms. Atkinson stated that Commission staff received comments from school representatives that this was an issue. Staff met with Nicole Cheuk of the Division of Legislative Services to develop a legislative proposal. Ms. Cheuk developed two proposals for discussion purposes. Both drafts changed existing law so that compulsory school attendance laws would apply if students are long-term suspended or expelled. One draft placed the language in the compulsory school attendance law set forth in § 22.1-254 of the *Code of Virginia*. The second placed it in the relevant sections dealing with long-term suspensions and expulsion.

A question was raised whether schools receive state funds for students who are long-term suspended or expelled. The Department noted that the average daily membership for which the state share of funding was calculated was received from school divisions in October and in March.

The Advisory Group agreed that it was not in society's best interest to have children on the street. Ms. Williams asked about the child study process and how out-of-school discipline impacted students in these instances. In her situation, no alternatives were offered to her son and she was not even certain of the status of the disciplinary sanction. A common problem was that schools do not always offer alternative programs for students who are placed out-of-school. The question of slot space in alternative education programs was also addressed. If there was insufficient space, then such a proposal could cause a problem.

Ms. Jones commented on Hopewell's process to clarify how students progressed to alternative education when they were suspended or expelled. She stated that the central discipline committee would refer students to alternative education or to the Petersburg regional program if deemed appropriate. These students may have a felony charge pending.

The Advisory Group suggested that the word "shall" be substituted for "may" in the section of the Code which referred students to alternative education. This would actually be a mandate and the members agreed this would have a significant fiscal impact. Accordingly, this recommendation would not be feasible at this time. The

Advisory Group discussed the fact that there was disparate treatment in that some students had mandatory attendance requirements while others did not. It was discussed whether this could be addressed in the Individual Education Plans when students were suspended or expelled. A presentation on the content of the Academic and Career Plans would be helpful so the Advisory Group could discuss this issue in great detail.

Ms. Atkinson thanked everyone for their active involvement and informed the Advisory Group that another meeting would be scheduled in late July or early August.

V. Adjourn

The meeting adjourned at approximately 12:15 p.m.

This was an electronic meeting with the following remote location:

Roanoke

Office of Delegate William H. Fralin, Jr.
3130 Chaparral Drive

Manassas

10677 Aviation Lane
Manassas, Virginia 20110-2701

The Commission had publicized additional electronic meeting sites in Yorktown, Virginia Beach and Roanoke City at the request of Advisory Group members. However, these members did not call into the meeting.